

SENATE BILL 36

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2000 Regular Session
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(PRE-FILED)

By: **Chairman, Judicial Proceedings Committee (Departmental -
Transportation)**

Requested: November 3, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Law - Right of Appeal to Arresting Officer - Repeal**

3 FOR the purpose of eliminating the opportunity for a person to request a certain
4 hearing at the time of arrest for certain alcohol- or drug-related driving
5 offenses.

6 BY repealing and reenacting, with amendments,
7 Article - Transportation
8 Section 16-205.1(b)(3)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 1999 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Transportation**

14 16-205.1.

15 (b) (3) If the person refuses to take the test or takes a test which results in
16 an alcohol concentration of 0.10 or more at the time of testing, the police officer shall:

17 (i) Confiscate the person's driver's license issued by this State;

18 (ii) Acting on behalf of the Administration, personally serve an
19 order of suspension on the person;

20 (iii) Issue a temporary license to drive;

21 (iv) Inform the person that the temporary license allows the person
22 to continue driving for 45 days if the person is licensed under this title;

23 (v) Inform the person that:

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1 1. The person has a right to request, [at that time or] within
2 10 days, a hearing to show cause why the driver's license should not be suspended
3 concerning the refusal to take the test or for test results indicating an alcohol
4 concentration of 0.10 or more at the time of testing, and the hearing will be scheduled
5 within 45 days; and

6 2. If a hearing request is not made [at that time or] within
7 10 days, but within 30 days the person requests a hearing, a hearing to show cause
8 why the driver's license should not be suspended concerning the refusal to take the
9 test or for test results indicating an alcohol concentration of 0.10 or more at the time
10 of testing will be scheduled, but a request made after 10 days does not extend a
11 temporary license issued by the police officer that allows the person to continue
12 driving for 45 days;

13 (vi) Advise the person of the administrative sanctions that shall be
14 imposed in the event of failure to request a hearing, failure to attend a requested
15 hearing, or upon an adverse finding by the hearing officer; and

16 (vii) Within 72 hours after the issuance of the order of suspension,
17 send any confiscated driver's license, copy of the suspension order, and a sworn
18 statement to the Administration, that states:

19 1. The officer had reasonable grounds to believe that the
20 person had been driving or attempting to drive a motor vehicle on a highway or on
21 any private property that is used by the public in general in this State while
22 intoxicated, while under the influence of alcohol, while so far under the influence of
23 any drug, any combination of drugs, or a combination of one or more drugs and
24 alcohol that the person could not drive a vehicle safely, while under the influence of a
25 controlled dangerous substance, in violation of an alcohol restriction, or in violation of
26 § 16-813 of this title;

27 2. The person refused to take a test when requested by the
28 police officer or the person submitted to the test which indicated an alcohol
29 concentration of 0.10 or more at the time of testing; and

30 3. The person was fully advised of the administrative
31 sanctions that shall be imposed, including the fact that a person who refuses to take
32 the test is ineligible for modification of a suspension or issuance of a restrictive
33 license under subsection (n)(1) or (2) of this section.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 2000.